

Ending Child Marriages in Pakistan –My Commitment on International Women’s Day 2015

International Women’s Day 2015 for me has been framed by the case of a young child in Bhit Shah, in Matiari district, Sindh, a mere 8 or 9 year old , abducted by her uncle; khaloo (maternal aunt’s husband) from her primary school on 21st January 2015 at 8;30 am. She was a grade 4 student bearing the school General Registration No. 460. Her date of birth says she was born on Sept 10, 2006. She was asked to walk out of her school under the pretext of some illness and taken away in a white car by a group of men including her uncle . On 22nd January 2015, she was married by a marriage registrar in UC 05 Madina Colony, Orangi Town, Karachi with an official age entry as 19 years old, a certificate of Free Will, indicating that she has no objection and is willingly marrying a man 4 times her age!

This took place in the province of Sindh where recently there has been cause for legal celebration by many on being the first province to pass the Sindh Child Marriage Restraint Act 2013; accordingly the age of marriage for girls was raised from 16 to 18 (it was already 18 for boys) as were the penalties. The implementation challenges are huge in Pakistan when it comes to policies and laws and hence the country remains off track to achieve the MDGs ; will this much needed Act provide relief to our child bride?

But the case of Amna Mithal¹ is treacherous ; she is the same age as one of my grand daughters and one year older to the youngest one, I cannot help but see the faces all three juxtaposed every waking minute, living in such different contexts! Our Amna has already crossed so many zones of vulnerability and violence in the past few days and weeks! Did she ever know that the fateful day of January 21, 2015 would rip her apart from so many fundamental rights?

Child Marriages are a Violation against the following Fundamental Rights in the Constitution of the Islamic Republic of Pakistan:

Article 9. Security of Person ; Article 11: Slavery, forced labour, etc. prohibited. Article 14. Inviolability of dignity of man (and woman), Article 25 Equality of citizens and, Article 25- A Right to Education

These violations are to be protected by the STATE defined by Article 7 . "the State" means the Federal Government, [6][Majlis-e-Shoora (Parliament)], a Provincial Government, a Provincial Assembly, and su

The government in Sindh is to provide free and compulsory education as per Article 25 A and the Sindh Compulsory Education Act 2013 . The two acts in Sindh are supposed to be two layers of protection, but they missed Amna totally

Sadly in Matiari district 72% girls are married off prior to 18years of age (HANDS 2012) . According to the ASER 2014 report, there are only 3% private schools in rural Matiari, making public sector schooling the only option. According to the SEMIS 2012 data there are 918 primary schools, 38 middle schools and only 30 secondary schools in the public sector making it almost impossible for the children of Matiari aged 5 to 16 to benefit from their fundamental right as per article 25 A of the constitution and the Sindh Compulsory Education Act 2013! For every 1 middle school there are nearly 40 primary schools, only a few lucky ones make it! Thus it is not surprising that according to the PSLM 2012-13 data, the Primary Net Enrolment Rate for 6-10 years is 54 % (47% girls); Middle Net Enrolment rate 11-13 year olds is 29 % (23 % girls) and Secondary Net Enrolment Rate for 14-15 year olds is 16%(7 % girls).What were Amna’s prospects in this bleak provision for a fundamental social service! Perhaps, only Child Marriage!

¹ Amna’s real name is being used now (earlier I was using Shazadi Rustum as a pseudo name)as this will be a landmark case in Pakistan against child marriages after the passing of Child Marriage Restraint Act 2013 in Sindh.

As I waited outside the family courts in Block F 2nd floor of the city courts in Karachi along with Ms. Noor Naz Agha the able lawyer mobilized by the NGO Aurat Foundation a member of the Alliance Against Child Marriages (AACM) on February 28th 2015 with her family, her aunt (or first wife of Amna's husband!) to register the case we discovered many aspects about 'families' that are worth sharing as they complicate matters further.

Amna's aunt is married to a cousin who is also Amna's husband. Amna's maternal uncle /mamoo (mother's brother) is married to the perpetrator's sister as 'watta satta' exchange cousin /sibling marriages. According to the family's First Investigation Report (FIR) filed on 24th, January 2014 in Bhit Shah, the uncle came to her father to ask her hand in marriage as his wife was unable to have children and he wanted to marry this child only. Upon family's refusal since she was a child and it is clearly illegal in Islam to have an aunt and niece married to the same man, Aziz ullah threatened to kidnap her which he did in broad daylight. From her government Shah Habib Primary School SEMIS Code 423010215, Amna simply slipped out on the pretext of a minor ailment walking out into the hands of her abducters. We truly need to rethink the 'safe schools' campaigns mostly hardware driven by the government after the fateful APS attack in December 2014!

When the family came to the school their daughter was already gone taken away to Karachi, Bhains Colony Landhi. She was married off the next day on January 22, 2015 in collusion with the marriage registrar who filled up all sections fabricating facts at whim and surely for a price!

All evidences are available; Amna's birth, school leaving and marriage certificates; the First Investigation Report (FIR) and the court "cases in Karachi that are doing the runs"

The police went and arrested a relative of the 'Uncle' who was subsequently freed on bail

A case was registered in the Sindh High Court by the petitioners (Amna and her husband Azizullah Khashkheli) on January 27, 2015, asking the court to provide protection to a couple married under 'free will' from being arrested; her parents arrived in time to be heard but the case was delayed until March 10th 2015 by the judge; Amna was perhaps not seen as an eight/ nine year old child married in violation of the Sindh Child Marriage Restraint Act 2013 but only a routine statistic where justice will prevail eventually! de is also registered at the Sindh H C saying that the couple is being harassed by the girl's family as they have married out of their own free will!

Amna has had two episodes of menstruation already according to her mother; she may well get pregnant; a child not quite 9 years will become a young mother with- both body and mind out of synch ; she may suffer extreme depression, anemia and her child also be stunted suffering inter generational morbidity!

Amna I have not slept for many nights; you are like my granddaughter , your home could not save you; your school could not save you; the marriage registrar could not save your unable to distinguish between 8 years and 19! The courts may not save you in time! Who will save Amna and many other girls in her plight; jammed between criminality, illegal relationships, violence of the extreme kind and unable to claim even one fundamental right ! Is this a wakeup call for society and state?

On February 28th , 2015 I held a grim session on child marriages at the lively Children's Literature Festival (CLF) Karachi inviting members and experts of Alliance Against Child Marriages (AACM) with youth and Amna's family members who came straight from the family courts to add their voice. Many suggestions were provided by the participants. Some said the best solution was a "police encounter" to save Amna from her illegal criminal husband; another young voice said that a social media campaign is critical, but

a family friend said ‘this will put the family ‘s lives in jeopardy as he(Aziz ullah) is powerful and linked to feudal lords; he is armed’’; others suggested awareness raising and training of marriage registrars /nikah khwan. Amna’s mother cried for help casting the ultimate chilling statement “just remember today it is an uncle doing this to my child tomorrow this will happen with brothers and sisters! Wake up !

Twenty first century has opened many doors something that I could not imagine as a young rebel myself, both with opportunities and extreme challenges – this case cannot go unnoticed and put away as another personal private affair it must be a landmark case to save 1000s of other Amna Mithals. It needs a multi-sectoral approach from all sides to address a perverse practice in Pakistan and elsewhere. We need to reclaim home as a locus of protection not violence and harassment; schools as safe places with codes of conduct that do not allow anyone to pick up children and kidnap them; the high walls and metal detectors could not have solved Amna’s problem who has died a hundred deaths! The NADRA systems must make it compulsory for all marriage registrars to dial a call centre for verification of birth certificate or school attendance certificate pending which no child/adolescent can be married off or else the registrar will loose his license and become an instant criminal declared by a judge of a speedy family court involving a minor. These measures are necessary if the CMRA Sind 2013 is to be implemented for all children under 18 years of age. Ms. Zakia Shahnawaz the . Minister for Population Welfare Punjab said on March 2, 2015 “ if I could have my way the age of marriage would be 21 years, I too was one such victim not because of economic reasons but due to outdated cultural practices; if I had been older I could have been a more educated and definitely been a more responsible mother!

My throwback photograph as a child makes me think of Amna Mithal’s case; the image is quickly replaced by her beautiful face so endearing all dressed up for a family occasion not knowing that she will become a ‘child bride’ so soon. On this International Women’s Day 2015, I have sworn a social movement to end child marriages. and hope many more will join this to save our girls and boys, this generation and many more to come!

Please help us create child marriage free zones across Pakistan; this is a time to ACT; save many Amna’s across Pakistan through multiple pathways including 24 hour helplines linked to NADRA/Legal support units, the ombudsman/protection bureaus, cells for child rights etc.. In the next 30 days we seek your support to collect 200,000 signatures from young children and youth against child marriages and for education, from Parliamentarians, parents, children, educators, religious leaders, marriage registrars, NADRA/Education and Health officials in Pakistan. If not now, then, when?

For links to #UpForSchool, right to education -Ending child marriages petition kindly go to: (to be added)

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